

## Fish Processing Vessels

### Certificate of Compliance

46 CFR 28.700

**Applies to:** Fish processing vessels of 5000 gross tons or less not having a Certificate of Inspection issued by the U.S. Coast Guard.

**Requirements:**

- A Once in every two years, each fish processing vessel must be examined for compliance with the regulations by:
  - 1. American Bureau of Shipping (ABS),
  - 2. A similarly qualified organization, or
  - 3. A surveyor of an accepted organization.
- B A Certificate of Compliance (COC) must be issued by the examiner to the vessel operator.
- C Each certificate of compliance must:
  - 1. Be signed by the issuing examiner,
  - 2. Include the name of the organization the examiner represents,
  - 3. State that the vessel has been found in compliance with applicable regulations,
  - 4. Be retained on board the vessel.

**Note:** A Fishing Safety Decal **does not** take the place of the Certificate of Compliance.

Contact your local MSO fishing vessel safety coordinator for an up-to-date list of similarly qualified and accepted organizations.

## Fish Processing Vessels

### Certificate of Class

46 CFR 28.720

#### Applies to:

##### Fish processing vessels:

- without a Certificate of Inspection issued by the Coast Guard,
- built after or has undergone a major conversion after 27 July 1990.

#### Requirements:

A Each vessel must be classed by either:

1. American Bureau of Shipping (ABS), or
2. A similarly qualified organization.

B Classed Vessels must:

1. Have on board a certificate of class issued by the organization that classed the vessel, and
2. Meet all survey and classification requirements prescribed by the organization that classed the vessel.

A missing or expired class certificate may be reason for vessel termination. See page 52.

Contact your local MSO fishing vessel safety coordinator for an up-to-date list of similarly qualified and accepted organizations.

## Fish Processing Vessels

### Vessel Response Plans (VRP)

33 CFR 155, Subpart D

**Applies to:**

All fish processing vessels of 5000 GT or less that carry oil in bulk as cargo or cargo residue must have a Coast Guard approved Vessel Response Plan.

**Acceptability:**

The VRP has a cover letter stamped approved by the Coast Guard.

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### Dispensing Petroleum Products

46 CFR 105

**Applies to:** All fish processing vessels of not more than 5000 GT which engage in dispensing petroleum products, Grades B and lower flammable or combustible liquids, to other vessels. Dispensing of Grade A liquids is not allowed.

**Requirements:**

Fish processing vessels which dispense petroleum product to other vessels must have a valid **Letter of Compliance** issued by the Coast Guard, i.e., an Officer in Charge, Marine Inspection. (The MSO conducting the inspection for the issuance of the letter will ensure the vessels meets the applicable regulations.)

**Acceptability:**

1. The vessel has a valid Letter of Compliance.
2. The Letter of Compliance is posted under glass or other suitable transparent material and posted in a conspicuous place protected from the weather.

## Additional Requirements

### Oil Transfer Procedures

33 CFR 155.720, 155.750

**Applies to:** All vessels with an oil capacity of 250 barrels or more (10,500 gallons or more).

#### Requirements:

1. Any person that transfers oil to, from, or within a vessel with a capacity of 250 or more barrels of oil must have oil transfer procedures.
2. The transfer procedures must comply with 33 CFR 155.750.
3. The Person in Charge of the transfer operation must meet the qualification requirements of 33 CFR 155.710.

Per 33 CFR 155.820 the following **written records must be maintained by the vessel operator** for inspection by the Coast Guard:

1. Person in Charge designation.
2. Results of hose and other required tests (33 CFR 156.170).
3. Transfer hose information ("oil service", MAWP (Maximum Allowable Working Pressure), test date, date of manufacture).
4. Declarations of Inspection for the past month (33 CFR 156.150).

## Additional Requirements

### Fuel Oil Discharge Containment

33 CFR 155.320

**Applies to:** All vessels of 100 gross tons or more.

#### Requirements:

Under or around each fuel oil or bulk lubricating oil tank vent, overflow, and fill pipe requires either:

#### **For vessels constructed before July 1, 1974:**

100 gross tons or more: Fixed container or enclosed deck area of one-half barrel (21 gallons) capacity, or portable container of 5 gallons capacity.

#### **For vessels constructed after June 30, 1974:**

100 - 300 gross tons: Fixed container or enclosed deck area of one-half barrel (21 gallons) or portable container of 5 gallons capacity.

300 - 1600 gross tons: Fixed container or enclosed deck area of one-half barrel (21 gallons) capacity.

Over 1600 gross tons: Fixed container or enclosed deck area of one barrel.

**Note:** If the vessel has a fill fitting for which containment is impractical, an automatic back pressure shut-off nozzle must be used.

## Additional Requirements

### **Certificate of Financial Responsibility (COFR) for Water Pollution**

33 CFR 130

**Applies to:** Vessels greater than 300 gross tons operating on the navigable waters of the U.S.

#### **Requirements:**

- The original Certificate must be carried on board the vessel.
- Certificates of Financial Responsibility are issued by Commandant U. S. Coast Guard.

**Note:** Notify the local MSO as soon as possible if a discrepancy is noted or suspected. Failure to carry a proper COFR may subject a vessel to Captain of the Port action.

## Additional Requirements

### Oil Pollution - Other

33 CFR 151, 33 CFR 155

**Applies to:** All Vessels

#### Requirements:

- **MARPOL** - International Convention on the Prevention of Pollution from Ships. 33 CFR 151
- **IOPP Certificate** - vessels 400 GT and above on foreign voyage.
- **Oil Record Book, Part I** - vessels 400 GT and greater.
- **Oily Water Separator, Sludge Tank, & Oily Waste Discharge Piping** - oceangoing vessels 400 GT and greater.
- **Capacity to retain oily mixtures on board & the ability to discharge to a reception facility** - Oceangoing vessels less than 400 GT and non-oceangoing vessels.
- **Fixed system to discharge slops, pump stop & stop valve at each discharge station** - oceangoing vessels 100 GT and greater but less than 400 GT.
- **Standard discharge connection** - oceangoing vessels 100 GT and greater.
- **Prohibited oil spaces**
  - No oil in forepeak on vessels 400 GT and greater built after January 1, 1982; or
  - No oil forward of collision bulkhead on vessels 300 GT and greater. (See 33 CFR 155 .470 for exceptions.)
- **No person may intentionally drain oil or hazardous material from any source into the bilge of a vessel.**

## Additional Requirements

### Shipboard Oil Pollution Emergency Plan (SOPEP)

33 CFR 151.26, MARPOL 73/78 Annex I Reg 26

**Applies to:** All ships of 400 GT and above, other than oil tankers.

#### Requirements:

1. Subject vessels shall carry on board a shipboard oil pollution emergency plan approved by the Coast Guard, which is good for 5 years.
2. The vessel owner or operator shall review the plan annually and submit a letter to Commandant (G-MOR) certifying the review was completed.
3. Changes to the plan must be approved by the Coast Guard, (G-MOR).
4. The entire plan must be resubmitted to Commandant 6 months prior to expiration.

#### Acceptability:

1. SOPEP is on board the vessel.
2. The SOPEP has a cover letter stamped approved by the Coast Guard.
3. The annual review has been completed and a letter submitted to Commandant certifying it was completed.

If you have questions regarding this topic, contact your local MSO.



## Additional Requirements

### **Citizenship/Licensing/Manning #180/181**

46 USC 8103, 8304, 8701, 8702 and 46 CFR 15

**Applies to:** All vessels.

#### **Citizenship:**

- Only a U.S. citizen may be in command of a documented vessel or serve as master, chief engineer, radio officer or officer in charge of a deck watch or engineering watch.
- Not more than 25% of the unlicensed seamen may be nonresident aliens allowed to be employed under the Immigration and Naturalization Act.

#### **Licensing:**

- On documented vessels 200 gross tons or greater which operate beyond the Boundary Line, the master, mate, and engineers must have appropriate Coast Guard licenses for the tonnage, horsepower, etc. of the vessel on which they are serving.

#### **Manning:**

- A The master is responsible for establishing adequate watches and lookouts. (See 46 CFR 15.705 for fish processing vessel manning requirements.)
- B Seamen on the following vessels must hold a Merchant Mariners Document (MMD):
  - 1. Processors over 1600 GT but less than 5000 GT which entered into service prior to 1 Jan. 88.
  - 2. Processors 100 GT and over which entered into service after 31 Dec. 87 with more than 16 persons on board primarily employed in the preparation of fish or fish products:
    - i) Each seaman, excluding factory and support personnel, must have a MMD.
    - ii) 75% of the crew in each department, excluding factory and support personnel, must be able to understand any order spoken by officer.
    - iii) 50% of the deck crew, excluding licensed personnel, must have a MMD endorsed for a rating of at least able seaman.

## Additional Requirements

### **Crew Contract**

46 USC 10601

**Applies to:** All commercial fishing industry vessels of at least 20 gross tons on a voyage from a port in the U.S.

<b>Requirement:</b>
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The contract agreement between the master or individual in charge of the vessel and each crewmember shall:
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| <ul style="list-style-type: none"><li>• be in writing and signed also by the vessel owner,</li><li>• state the period of effectiveness of the agreement,</li><li>• include the terms of any wage, share, or other compensation arrangement peculiar to the fishery in which the vessel will be engaged during the period of agreement, and</li><li>• include other agreed terms.</li></ul> |
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**Note:** The contract is not required to be maintained on board the vessel.

## Additional Requirements

### Drug Testing Programs

46 CFR 4.06

**Applies to:** A vessel engaged in commercial service that is involved in a Serious Marine Incident must conduct drug testing of all individuals directly involved.

<b>Serious Marine Incident:</b>
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| <ul style="list-style-type: none"><li>• One or more deaths;</li><li>• An injury to a crewmember, passenger, or other person which requires professional medical treatment beyond first aid, and, in the case of a person employed on board a vessel in commercial service, which renders the individual unfit to perform routine vessel duties;</li><li>• Damage to property in excess of \$100,000;</li><li>• Actual or constructive total loss of any vessel subject to inspection;</li><li>• Actual or constructive total loss of any self-propelled vessel, not subject to inspection, of 100 gross tons or more;</li><li>• A discharge of oil of 10,000 gallons or more into the navigable waters of the United States; or</li><li>• A discharge of a reportable quantity of a hazardous substance into the navigable waters of the United States.</li></ul> |
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**Contact the local MSO ASAP.**

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### Random Drug Testing

**Applies to:** All documented vessels of 200 gross tons or greater.

<b>Requirement:</b>
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| <ul style="list-style-type: none"><li>• Fishing industry vessels of 200 gross tons or greater must comply with the chemical testing regulations found in 46 CFR 4.06.</li></ul> |
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**Note:** Vessels of less than 200 gross tons are not required to have a chemical testing program. However, they are still subject to the regulations found in 33 CFR 95, Operating a Vessel While Intoxicated and the casualty testing requirements listed above.

## Additional Requirements

### Global Maritime Distress and Signaling System (GMDSS)

47 CFR Subchapter W

**Applies to:** Cargo ships (defined as all commercial ships other than passenger ships) of 300 gross tons and over, that sail internationally or in open ocean (defined as seaward of the low-water mark or seaward of inland waters).

**Requirements:**

- Basic equipment is required for all vessels with additional required equipment based on the vessel's area of operation.
- Also, a new class of radio operator's license called the GMDSS Radio Operator's License, has been established.
- Some of the required equipment includes digital select calling (DSC) equipped VHF, MF, and HF radios; Search and Rescue Transponders (SART); NAVTEX receivers; and 406 MHz EPIRB.
- NAVTEX receivers, 406MHz EPIRBS, SART, and two-way VHF radios for survival crafts must currently be carried on vessels required to meet GMDSS.
- Presently there is a grace period for certain fishing vessels.

If you have questions regarding this topic, contact your local MSO.
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### Termination of Unsafe Operations

46 CFR 28.65, MSG DTG R102252ZAPR01  
MOC Policy Letter 04-08

**Requirement:**

Especially Hazardous Conditions (EHC) which warrant vessel termination include but are not limited to the items described below. Any singular violation of items (1-7) or 12(a) should automatically result in a termination order being issued. Violations of items (8-11) or items 12(b-c) do not automatically rise to the level of an EHC and therefore sound judgment should be exercised in determining whether these items pose a significant threat to the safety of the crew and the vessel:

1. An insufficient number of lifesaving equipment on board, to include unserviceable PFDs, unserviceable immersion suits or inadequate survival craft capacity.
2. An inoperable EPIRB or radio communication equipment when required by regulation. When both are required, at least one must be in operable condition to avoid termination.
3. Instability resulting from overloading, improper loading or lack of freeboard.
4. Inoperable bilge system.
5. Intoxication of the master or person in charge, i.e., person is operating the vessel and has an alcohol concentration of 0.04 percent, or the intoxicant's effect on the person's manner, disposition, speech, muscular movement, general appearance or behavior is apparent by observation.
6. Flooding or uncontrolled leakage in any space.
7. A missing or expired certificate of class, as required by 46 U.S.C. 4503(1), for a fish processing vessel.
8. Inadequate firefighting equipment on board.
9. Excessive volatile fuel (gasoline or solvents) or volatile fuel vapors in bilges.
10. A lack of adequate operable navigation lights during periods of restricted visibility.
11. Watertight closures missing or inoperable.
12. Additional EHC's:
  - a. Liferaft servicing past due by 5 months or more.
  - b. Hydrostatic release units expired 5 months or more.
  - c. Inoperable high water alarms or lack of high water alarms in required spaces.
  - d. Total lack of required safety and emergency drill training for vessel master or crew.

**Boarding Follow-up Actions:**

A CG-4100F, CG-4100S, and Termination Order should be completed and submitted to D13(ole) for processing. In addition, an LE SITREP shall be sent with INFO copies to the appropriate MSO and D13(m).

### Excess Safety and Lifesaving Equipment

COMDT (G-MCO) Policy Letter 01-96

**Applies to:** All commercial fishing industry vessels.

The policy letter 01-96, Excess Equipment Found on Uninspected Commercial Fishing Industry Vessels, was issued to clarify guidance and respond to questions on the carriage and use of excess safety and lifesaving equipment.

- A. All safety and lifesaving equipment in excess of that required by 46 CFR Part 28, whether an approved type or not, carried on board any commercial fishing industry vessel must be either:
  - B.
    - 1. **Maintained and inspected** as required by regulation and in compliance with the manufacturer's guidelines; or
    - 2. **Distinctly and permanently marked** that it is to be used **ONLY for training** if not meeting the maintenance and inspection standards above (except for excess survival craft which must be maintained and inspected as above); or
    - 3. **Removed from the vessel** if not meeting the maintenance and inspection standards or marked for training as listed above.
- B. All excess safety or lifesaving equipment retained onboard a vessel for training purposes shall be stowed in such a manner or location that it will not be mistakenly utilized during an actual emergency.
- C. Expired distress signals may be used for training. The skipper is required to send a SECURITE broadcast and encouraged to contact the nearest Coast Guard unit. Expired flares, however, should only be used as a last resort during an emergency.

## DEFINITIONS

**Accepted organizations** - an organization which has been designated in writing by the Commandant for the purpose of examining commercial fishing industry vessels under the provisions of 46 CFR 28.073. Navigation and Inspection Circular (NVIC) 13-91 describes the types of organizations that can qualify as accepted organizations and outlines the steps they need to take to receive this designation. Coordinators maintain a list of these organizations.

**Accommodations** - include messrooms, lounges, sitting areas, recreation rooms, quarters, toilet spaces, shower rooms, galleys, berthing facilities or clothing changing rooms.

**Berthing Space** - a space that is intended to be used for sleeping and is provided with installed bunks and mattresses.

**Boundary Lines** - the lines set forth in 46 CFR 7. In general, they follow the trend of the seaward high water shorelines and cross entrances to small bays, inlets and rivers. In some areas, they are along the 12 mile line which marks the seaward limits of the contiguous zone and in other areas they come ashore.

**Coastal Waters** - as defined in 33 CFR 175.105, the territorial seas of the U.S. (3 miles) and those waters directly connected (i.e., bays, sounds, harbors, rivers, inlets, etc.) where any entrance exceeds 2 nm to the first point where the largest distance between shorelines narrows to 2nm.

**Coastwise Voyage** - navigating the waters of any ocean or the Gulf of Mexico 20nm or less offshore.

**Cold Waters/Warm Waters** - cold water means water where the monthly mean low water temperature is 59 degrees Fahrenheit or less. Warm waters mean water where the monthly mean low water temperature is above 59 degrees Fahrenheit. See NVIC 7-91. **Note:** All waters in D13 are considered Cold Waters.

## Other Information

**Commercial Fishing Industry Vessel** - includes fishing vessels, fish tender vessels, and fish processing vessels.

**Documented** - a vessel for which a Certificate of Documentation has been issued under the provisions of 46 CFR 67. Commercial vessels greater than 5 net tons must be documented.

**Domestic Voyage** – the movement of a vessel between places in, or subject to the jurisdiction of, the United States, except movement between a place in a territory or possession of the United States or the Trust Territory of the Pacific Islands; and a place outside that territory, possession, or Trust Territory.

**Fish** - means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life, except marine mammals and birds.

**Fish Processing Vessel** - a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling. Salting cod is considered processing.

**Fish Tender Vessel** - a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing or fish tender vessel or a fish processing facility.

**Fishing Vessel** - a vessel that commercially engages in the catching, taking, or harvesting of fish, or an activity that can reasonably be expected to result in the catching, taking or harvesting of fish.

**Foreign Voyage** – a voyage from the United States to a country outside the United States or any of its Trust Territories or possessions. A vessel that is not on a foreign voyage is considered to be on a domestic voyage for the sake of applying these rules to commercial fishing industry vessels.



## Other Information

**Galley** - a space that provides for extended storage and preparation of food. This does not include small alcohol or propane stoves with limited cooking capability, or ice chests or similar devices that are intended for keeping small quantities of food for short duration.

**Inland Waters** – waters shoreward of the COLREGS Demarcation Line.

**International Voyage** – a voyage from one country to a port outside that country.

**ITC Tonnage** – International Tonnage Convention method to measure a vessel's tonnage.

**Length** - the length listed on the vessel's Certificate of Documentation or Certificate of Registry. Length over all (LOA) may be considerably longer than the documented length. LOA is used in reference to the navigation rules.

**Motorboat** - any vessel 65 feet in length or less which is equipped with propulsion machinery.

**Motor Vessel** - any vessel more than 65 feet in length, which is propelled by machinery other than steam.

**Oceangoing** - per 33 CFR 151.05, vessels which operate any time seaward of the outermost boundary of the territorial sea (3 nm) of the U.S.

**Ocean Voyage** - includes waters of any ocean, or the Gulf of Mexico, more than 20nm offshore.

**Operating Station** - the principal steering station on the vessel from which vessel is normally navigated.

**Tonnage** - a measurement used for documenting vessels.

**Use** - operate, navigate, or employ.

**Waters Inside Coastal** – Protected waters where the entrance is less than 2nm wide. Boundary Bay in Washington is considered WIC.

## Other Information

### Contact Information

Fishing Vessel Safety Coordinators	
13 <sup>th</sup> District Coordinator	206-220-7226
MSO Puget Sound	206-217-6208
24-hour	206-217-6232
MSO Portland	503-240-9337
24-hour	503-240-9300
17 <sup>th</sup> District Coordinator	907-463-2810
MSO Anchorage	907-271-6700
MSD Unalaska	907-581-3466
MSD Kodiak	907-486-5918
MSD Kenai	907-283-3292
MSO Valdez	907-835-7223
MSO Juneau	907-463-2450
MSD Sitka	907-966-5454
MSD Ketchikan	907-225-4496
MSO Honolulu	808-522-8253
MSO San Francisco	510-437-5788
MSO Los Angeles/Long Beach	310-980-4478
MSO San Diego	619-683-6480
NOAA EPIRB Registration	888-212-SAVE
National Documentation Center	800-799-VDOC
FCC	888-CALL-FCC

### CFVS Training Institutions

NPFVOA, Seattle, WA	206-285-3383
AMSEA, Sitka, AK	907-747-3287
Washington Sea Grant	206-543-1225
Oregon Sea Grant	503-265-3463
Clatsop CC, Astoria, OR	503-338-7962
UAS Ketchikan Career Center	907-228-4504

### Web Links

MSO Puget Sound:

[www.uscg.mil/d13/units/msopuget/msofvsafety.html](http://www.uscg.mil/d13/units/msopuget/msofvsafety.html)

MSO Portland:

[www.uscg.mil/d13/units/msoportland/index.htm](http://www.uscg.mil/d13/units/msoportland/index.htm)

NOAA: [www.sarsat.noaa.gov/emercbcs.html](http://www.sarsat.noaa.gov/emercbcs.html)

Notice To Mariners:

[www.navcen.uscg.gov](http://www.navcen.uscg.gov)